UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

CADITOL DECODDS LLC at al

CAPITOL RECORDS, LLC, et al.,

Plaintiffs,

07 Civ. 9931 (WHP)

v.

MP3TUNES, LLC and MICHAEL ROBERTSON,

:

Defendants.

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NOTICE OF MOTION IN LIMINE TO PRECLUDE TESTIMONY AND EXHIBITS FROM ELLIS HOROWITZ AND FOR RELATED RELIEF

PLEASE TAKE NOTICE that, pursuant to the Revised Scheduling Order, dated July 3, 2013 (Docket No. 333), in the above captioned action, and upon the accompanying

Memorandum of Law, Declaration of Ira S. Sacks in Support of Motion *In Limine* to Preclude

Testimony and Exhibits from Ellis Horowitz and for Related Relief, dated September 13, 2013

and the exhibits attached thereto, and all pleadings and prior proceedings had herein, the

undersigned attorneys for Defendant Michael Robertson shall move this Court, before the

Honorable William H. Pauley III, United States District Judge for the Southern District of New

York, at the United States Courthouse located at 500 Pearl Street, Room 20B, New York, New

York 10007, at a time set by the Court, for an order (1) precluding Plaintiffs from introducing at

trial testimony and exhibits from Ellis Horowitz, (2) vacating the Court's previous grant of

summary judgment against Defendant Robertson, and (3) granting other and further relief as this

Court finds just and proper.

Dated: New York, New York September 13, 2013 Respectfully Submitted,

AKERMAN SENTERFITT LLP

By:/s/Ira S. Sacks

Ira S. Sacks

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